

198. Misbranding of heat packs. U. S. v. 20 Packages of Wonder Heat Packs. Default decree of condemnation and destruction. (F. D. C. No. 1705. Sample No. 14302-E.)

This product consisted essentially of a bag containing chemicals which would produce heat when moistened with water. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 25, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 20 Wonder Heat Packs at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 20 and February 3, 1940, from Chicago, Ill., by the Wonder Heat-Pack Co.; and charging that it was misbranded.

It was alleged to be misbranded in that the representations in the labeling that it was efficacious in the treatment of colds, colic, cramps, sprains, lumbago, neuritis, pleurisy, neuralgia, bronchitis, pneumonia, infections, toothache, rheumatism, inflammation, muscle soreness, and poor circulation, were false and misleading since it was not efficacious for the purposes recommended.

On April 18, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

ELECTRIC VIBRATORS

199. Misbranding of vibrators. U. S. v. 7 Beautysage Vibrators. Default decree of condemnation and destruction. (F. D. C. No. 1521. Sample No. 61887-D.)

This device consisted of an electric vibrator fitted with three differently shaped rubber appliances. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 26, 1940, the United States attorney for the Eastern District of Louisiana filed a libel against seven vibrators at New Orleans, La., alleging the article had been shipped in interstate commerce on or about January 18, 1940, by the Beauty Appliance Corporation from Racine, Wis.; and charging that it was misbranded.

The article was alleged to be misbranded in that its labeling bore representations that it would assist nature in stimulating the minute blood vessels, help to force blood through the tissues, and instill new life into the nerves; that the exercise and stimulation of the device would maintain the firm contours of face and figure with its gentle, massaging action; that it would check falling of dry and brittle hair and stimulate new growth; that the tingling action of the prong applicator would excite and energize the tiny cells, increase nutrition to roots of the hair and restore vigor and strength; that it would be efficacious in the treatment of aches, pains, neuralgia, earache, lumbago, fatigue, sprains, stiffness, and other ailments; that impaired circulation of blood and lymph affects the muscular and nervous system and causes many of our common body ills; that the daily use of the device would hasten the flow of blood, assist in building up a run-down condition and would carry away waste, restore new life and vigor; that the said device would heal; that it was an aid for almost every imaginable ailment, would keep the body in good working order, and would restore youthful contours to face and figure; that it was an indispensable aid; and would relieve tired nerves and muscles; would restore vigor and vitality to any part of the body; and that it would increase circulation, would eradicate dandruff, would help to build new tissue and would relieve tired muscles, fatigue, kinks in the back, and other ailments usually caused by poor circulation, or cramped position of nerves, which representations were false and misleading since the said device was not efficacious for the purposes recommended.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the device was ordered destroyed.

200. Misbranding of vibrators. U. S. v. 11 Vibrators. Default decree of condemnation and destruction. (F. D. C. No. 1752. Sample No. 1804.)

This article was an electric vibrator fitted with several attachments. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 4, 1940, the United States attorney for the District of Columbia filed a libel against 11 vibrators at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about October 12, 1939, by the Bersted Manufacturing Co. from Fostoria, Ohio; and charging that it was misbranded. The article was labeled in part: "Bersted's Eskimo * * * Vibrator."

It was alleged to be misbranded in that the representations in the labeling that it would enable one to vibrate one's way to health and beauty; that it was efficacious for sore muscles, for complexion, headaches, rheumatism, and constipation; that it would be helpful in conditions where increased circulation and stimulation of the nerves would cause curative action; that its strong vibratory action penetrated very deeply into the parts under treatment; that it was efficacious for sore muscles, neuralgia, blackheads, obesity, insomnia, headaches, nervousness, double chin, wrinkles, sagging muscles, acute rheumatism; that lifeless skin and sagging facial muscles could be improved by massaging two or three minutes each day by working from the chin up and from the mouth toward the ears using a rotary motion; and that for double chin the sponge applicator should be used three minutes at a time working upward from the base of the neck towards the ears, never downward, were false and misleading in that the said statements represented that the device was efficacious for the purposes for which it was recommended; whereas it was not efficacious for such purposes.

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

201. Misbranding of vibrators. U. S. v. 24 Electric Vibrators. Consent decree of condemnation. Product ordered released under bond for relabeling.
(F. D. C. No. 1503. Sample No. 68476-D.)

This device was an electric vibrator with three attachments consisting of a button, a rubber cup, and a rubber brush. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 19, 1940, the United States attorney for the Southern District of New York filed a libel against 24 electric vibrators at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 1940, by the A. C. Gilbert Co. from New Haven, Conn.; and charging that it was misbranded. It was labeled in part "Gilbert Vibrator."

It was alleged to be misbranded in that the representations in the labeling that it would restore health, was efficacious for the relief of rheumatism resulting from blood congestion; that it would be efficacious for indigestion and constipation; would cleanse the pores of the skin; would help one attain blemish-free complexions; would be efficacious for headaches, insomnia, nervousness, neuralgia, obesity; that it would be efficacious in developing the bust; that it would overcome thin brittle hair caused by the failure of the natural oils to function properly; that it was beneficial for double chin and wrinkles, that it would build one up and keep one up; that if used regularly, it would renew the youthful suppleness of body, clear the waste matter and dead cells from the blood, stimulate the circulation and bring the bloom of youth to the cheeks; that it was efficacious in the treatment of many common diseases and ailments; that a longer treatment, pressing lightly with the vibrator was required in nervousness, sleeplessness, and obesity, which treatment would soothe while the shorter, harder treatment would stimulate; that it was ideal for reducing and would restore health, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On March 29, 1940, the A. C. Gilbert Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the article was ordered released under bond on condition that the labels, circulars, and tags be destroyed, and that those which were in compliance with the law be substituted.

202. Misbranding of electric vibrators. U. S. v. 63 Vibrators. Decree of condemnation and order for release of product under bond for relabeling.
(F. D. C. No. 1477. Sample No. 61308-D.)

This device was an electric vibrator, with various attachments, intended to apply mechanical vibration to the body. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 9, 1940, the United States attorney for the Southern District of Texas filed a libel against 63 vibrators at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about December 10 and December 22, 1939, by the Vidrio Products Corporation from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Mastercraft Two Speed Electric Vibrator."

The device was alleged to be misbranded in that the labeling bore representations that it was efficacious for indigestion, constipation, baldness, bruises